

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANTHONY A. SCOTT,

Petitioner,

v.

WARDEN, NOBLE  
CORRECTIONAL INSTITUTION,

Respondent.

Case No. 2:15-cv-02638  
Judge Marbley  
Magistrate Judge King

**ORDER**

Petitioner, a state prisoner, brings this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 29, 2016, the United States Magistrate Judge recommended that Respondent's *Motion to Dismiss without Prejudice for Failure to Exhaust* (ECF No. 7) be granted, that Petitioner's *Motion to Stay* (ECF No. 9) be denied, and that this action be dismissed without prejudice as unexhausted. *Report and Recommendation* (ECF No. 11). Although the parties were advised of their right to object to that recommendation, and of the consequences of their failure to do so, there has been no objection.

The *Report and Recommendation* (ECF No. 11) is **ADOPTED AND AFFIRMED**. Respondent's *Motion to Dismiss without Prejudice for Failure to Exhaust* (ECF No. 7) is **GRANTED** and Petitioner's *Motion to Stay* (ECF No. 9) is **DENIED**. This action is **DISMISSED** without prejudice as unexhausted.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** in this action.

DATED: April 5, 2016

s/Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge